



DECLARATION AND POWER OF ATTORNEY

As a below named inventor(s), I/We hereby declare that

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ARMREST APPARATUS

Case No: _____ the specification of which

(check one) X is attached hereto
was filed on October 29, 2003 as
Application Serial No. 10/694,904
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim the benefit under Title 35, United States Code, §119(e) of any U.S. provisional application(s) listed below:

Prior Provisional Application(s):

<u>Number</u>	<u>Country</u>	<u>Date</u>
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I hereby claim foreign priority benefits under Title 35, United States Code, §119 or §365 of any foreign application(s) for patent, inventor's or plant breeder's certificate(s), or of any PCT international application which designated at least one country other than the United States of America, listed below:

Prior Foreign Application(s):

¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the application takes in:

(i) opposing an argument of unpatentability relied on by the Office, or

(ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

<u>Number</u>	<u>Country</u>	<u>Date</u>
P2002-314897	Japan	October 29, 2002

and have also identified below any foreign application for patent, inventor's or plant breeder's certificate(s) or any PCT international application having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s):

<u>Number</u>	<u>Country</u>	<u>Date</u>
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If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s):

<u>Number</u>	<u>Country</u>	<u>Date</u>
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I hereby appoint the following attorneys, power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: and request that all correspondence and telephone calls in respect to this application be directed to:

Thomas T. Moga, Reg. 34,881
Douglas A. Mullen, Reg. No. 38,569
Richard A. Jones, Reg. No. 39,242
Jean C. Edwards, Reg. No. 41,728

Larry Moskowitz, Reg. No. 42,911
Lisa E. Marks, Reg. No. 44,901
Craig A. Phillips, Reg. No. 47,858
James P. Calve, Reg. No. 50,185

I further direct that all correspondence and telephone calls concerning this application be directed to:

DICKINSON WRIGHT PLLC
1901 L Street, N.W.
Suite 800
Washington, DC 20036
Tel: (202) 457-0160

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Yoshiharu KITAMURA
Inventor's signature Yoshiharu Kitamura Date March 1, 2004
Residence Nagano, Japan
Citizenship Japan
Mailing Address c/o NHK Spring Co., Ltd., 1170-3, Akaho, Komagane-shi,
Nagano, Japan

Full name of second inventor Makoto SAITO
Inventor's signature Makoto Saito Date March 1, 2004
Residence Nagano, Japan
Citizenship Japan
Mailing Address c/o NHK Spring Co., Ltd., 1170-3, Akaho, Komagane-shi,
Nagano, Japan

Full name of third inventor Takashi OGINO
Inventor's signature Takashi Ogino Date March 1, 2004
Residence Nagano, Japan
Citizenship Japan
Mailing Address c/o NHK Spring Co., Ltd., 1170-3, Akaho, Komagane-shi,
Nagano, Japan

Full name of fourth inventor Toshiya MIGITA
Inventor's signature Toshiya Migita Date March 1, 2004
Residence Nagano, Japan
Citizenship Japan
Mailing Address c/o NHK Spring Co., Ltd., 1170-3, Akaho, Komagane-shi,
Nagano, Japan

Full name fifth inventor Yoshihisa NAKAGAKI
Inventor's signature Yoshihisa Nakagaki Date March 1, 2004
Residence Aichi, Japan
Citizenship Japan
Mailing Address c/o NHK Spring Co., Ltd., 5-86, Higashiumetsubo-cho,
Toyota-shi, Aichi, Japan

Full name of sixth inventor Nobuyuki WAKABAYASHI
Inventor's signature Nobuyuki Wakabayashi Date March 1, 2004
Residence Kanagawa, Japan
Citizenship Japan
Mailing Address c/o NHK Spring Co., Ltd., 10, Fukuura 3-chome,
Kanazawa-ku, Yokohama-shi, Kanagawa 236-0004 Japan